

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE
600 W. CAPITOL, ROOM A403
LITTLE ROCK, ARKANSAS 72201-3325
(501) 604-5140
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August 16, 2019

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Re: *Howard Johnson International, Inc. v. NHS-Grand Forks, LLC et al*,
3:17-cv-00046-BRW-ARS

Dear Counsel:

I have reviewed your submissions and below are the presumptive time limits for the direct examinations of your witnesses:

Plaintiff's Witnesses

- | | |
|--------------------|------------|
| 1. Robert Spence | 60 minutes |
| 2. Michael Piccola | 60 minutes |

Defendant's Witnesses

- | | |
|---------------------|------------|
| 1. Bharat Patel | 60 minutes |
| 2. Robert Thibedeau | 45 minutes |
| 3. Miranda Muscha | 45 minutes |
| 4. John Isaakson | 45 minutes |

The presumptive time limit for cross-examination is 20 minutes.

A rebuttal witness must be a true rebuttal witness, not someone who could have testified on direct, *i.e.*, a witness whose testimony cannot be reasonably anticipated until Defendant's evidence is presented.

Counsel for the parties are directed to "meet and confer" to determine if there is going to be a foundation objection. If so, I should be notified forthwith, with specificity.

At the end of your presumptive time limit on direct or cross-examination, that is it. I'll expect you to stop if you are in the middle of the word "if." You should have your proposed questions printed out so that, at the end of your presumptive time limit, you may approach the bench and show me the questions you didn't get to ask that you think you should get to ask. I will rule as to whether you will be allowed to ask them.

Having your proposed questions printed is crucially important so that you can show me how your examination has been bob-tailed. Also, it will probably help you pare down your questions, which is better advocacy. I realize I'm not teaching a trial ad course, but I expect rifle-shot presentations, not prolonged, unnecessary examinations of witnesses.

Cordially,

/s/ Billy Roy Wilson